

# MICHIGAN SUPREME COURT



## *Office of Public Information*

contact: Marcia McBrien | (313) 972-3219 or (517) 373-0129

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### **PUBLIC COMMENT SOUGHT ON ADOPTION WORK GROUP PROPOSALS**

LANSING, MI, October 15, 2003 -- Court rule changes proposed by a work group charged with studying court delays and other adoption process obstacles have been published for public comment by the Michigan Supreme Court.

The work group, formed by the Court in cooperation with the Family Independence Agency (FIA), released its report on September 9. The work group was charged with studying a wide range of issues relating to procedural obstacles to adoption in child-protective proceedings.

One of the work group's recommendations is a change to Michigan Court Rule (MCR) 3.915 to help enforce the statutory requirement that lawyers-guardians ad litem for children meet with their clients before each hearing. The work group found that lawyers-guardians ad litem, known as LGALs, often fail to visit the children they represent. In addition, LGALS often substitute for one another at hearings, so that the attorney who appears for the child may not be familiar with that child's case. The work group identified these issues as barriers to permanent placements for children. LGALs who do not visit their clients are unable to provide courts with an accurate assessment of the children's best interests and wishes, the work group indicated.

Under the proposed amendment to MCR 3.915(B), a trial judge would be required to ask a LGAL whether he or she has met with the child before the hearing. A proposed amendment to MCR 3.915(D) is aimed at discouraging one LGAL from substituting for another. The proposed rule amendment allows substitution only for good cause or to prevent a hearing from being adjourned. The substituting attorney is required to be familiar with the case, either through consultation with the assigned LGAL or independently.

A proposed change to MCR 3.965(B) would require the court to ask parents, guardians, or legal custodians to identify relatives with whom the child could be placed. Protective services workers who investigate abuse allegations and remove children from homes were having difficulty convincing parents to identify suitable relative-caregivers, the work group found. A court's authority might persuade parents to cooperate, the work group suggested. Similarly, a proposed amendment to MCR 3.965(E) states that courts "shall direct the agency to identify, locate, and consult with relatives to determine if placement with a relative would be in the child's best interests."

A proposed version of MCR 3.977 would require courts to give child welfare cases "the highest possible priority" in scheduling. Other suggested changes include clarifying time limits for filing permanent custody petitions. Courts would also be required to notify interested parties

of dispositional review and permanency planning hearings. Proposed amendments to MCR 3.975 and 3.976 state that the notice of hearing “must inform the parties of their opportunity to participate in the hearing and that any information they wish to provide should be submitted in advance to the court, the agency, the lawyer-guardian ad litem for the child, or an attorney for one of the parties.”

The Court encourages interested persons to submit comments, which should refer to ADM File No. 2003-50, to the Supreme Court Clerk at P.O. Box 30052, Lansing, MI 48909. Comments may also be sent by e-mail to [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov). The deadline for comments is January 1, 2004. Comments will be posted at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm>. The Supreme Court will hold a public hearing on the proposed court rules before making a final decision; the rule proposals are tentatively set for a public hearing on January 29, 2004. Schedules and agendas for public hearings are posted on the Court’s website at <http://www.courts.michigan.gov/supremecourt/>.

The adoption work group’s report is available on the “One Court of Justice” website at <http://www.courts.michigan.gov/supremecourt/Press/FinalReport.pdf> and on the Family Independence Agency website at [http://www.michigan.gov/fia/1,1607,7-124-5452\\_7116---,00.html](http://www.michigan.gov/fia/1,1607,7-124-5452_7116---,00.html).

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